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II. Executive summary

Cambodia

1. Introduction: Overview of the legal and institutional framework of Cambodia in the context of implementation of the United Nations Convention against Corruption

Cambodia acceded to the United Nations Convention against Corruption following the deposit of its instrument of accession with the Secretary-General on 5 September 2007.

Cambodia is a kingdom whose monarch reigns but does not rule. The constitution was enacted in 1993 but had been amended seven times as of 2014. The Constitutional Council safeguards respect for the Constitution.

The Cambodian legal system follows the civil law tradition. The legislative power is exercised by a bicameral parliament consisting of the National Assembly and the Senate. A member of the majority party or majority coalition is named Prime Minister by the Chair of the National Assembly and is appointed by the King.

The judicial power is independent from the Government. The Constitution mandates that the King should guarantee the independence of the judiciary, together with the support of the Supreme Council of Magistracy.

Cambodia is a full member of the Association of Southeast Asian Nations (ASEAN) and has acceded to a number of regional multilateral treaties and memorandums of understanding, including the Treaty on Mutual Legal Assistance in Criminal Matters among like-minded ASEAN member countries, of 29 November 2004, and the Memorandum of Understanding of the South-East Asia Parties against Corruption.

Cambodia is a dualist country. Nevertheless, it can directly apply self-executing provisions of international treaties once they have been approved by the parliament and ratified by the King. That is practised in the case of bilateral extradition treaties (see art. 567 of the Criminal Procedure Code) but not yet for the Convention. In the absence of international treaties, Cambodia can still provide assistance on the basis of reciprocity.

2. Chapter III: Criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

Bribery and trading in influence (arts. 15, 16, 18 and 21)

The criminalization of the bribery of national public officials is governed by articles 605 and 594 of the Cambodian Penal Code. As to the active and passive corruption of judges, it is specifically dealt with under articles 518 and 517 of the Penal Code. However, a reference to third party beneficiaries is missing.

The criminalization of the active and passive bribery of foreign public officials and officials of public international organizations is stipulated under articles 34 and 33 of the Law on Anti-Corruption. However, a reference to third party beneficiaries is missing.

The criminalization of active and passive trading in influence of public officials is stipulated under articles 606 and 595 of the Penal Code. However, references to third-party beneficiaries and to trading in influence when it involves any other person are missing.

The criminalization of active and passive bribery of employees and administrators is stipulated under articles 278, 279 and 280 of the Penal Code. References to the direct or indirect character of the bribery and to third-party beneficiaries are missing. In addition, the bribery of employees is only criminalized in cases when it occurs without the knowledge of the employer.

Money-laundering, concealment (arts. 23 and 24)

The Law on Anti-Money-Laundering and Combating the Financing of Terrorism, dated 24 June 2007, and the Law dated 3 June 2013 amending articles 3, 29 and 30 of the Law on Anti-Money-Laundering deal with the preventive and repressive aspects of money-laundering and the financing of terrorism in Cambodia. The Law amending articles 3, 29 and 30 of the Law on Anti-Money-Laundering gives a definition under amended article 3 of the elements constituting money-laundering, including the conversion, transfer, concealment, acquisition, possession and use of property or proceeds of crime. Those provisions also cover participation by providing assistance in the commission of an offence.

Cambodian legislation provides a list of predicate offences, which covers all offences and crimes (art. 404 of the Penal Code and article 1 (under art. 3, para. (e)), of the Law amending arts. 3, 29 and 30 of the Law on Anti-Money-Laundering).

Cambodian legislation does criminalize self-laundering in article 1 (under arts. 3, 29 and 30) of the Law amending articles 3, 29 and 30 of the Law on Anti-Money-Laundering and 404, 405, 406, 136, 137 and 138 of the Penal Code.

Cambodia delivered to the secretariat a copy of its legislation on money-laundering in December 2014.

Article 399 of the Penal Code generally criminalizes concealment, as does article 37 of the Law on Anti-Corruption, pursuant to the provisions of article 24 of the Convention.

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

Articles 592, 593, 597, 598 and 601 of the Penal Code criminalize the embezzlement of public funds, the unlawful exploitation of a company or the wilful misappropriation of documents, securities, private or public funds. However, a reference to third-party beneficiaries is missing.

Article 35 of the Law on Anti-Corruption and article 586 of the Penal Code criminalize the abuse of power; however, there is no reference to third-party beneficiaries or to the abstention of carrying out an act in the exercise of one's functions.

Article 36 of the Law on Anti-Corruption considers that illicit enrichment is an increase in the wealth of an individual for which the individual cannot provide a reasonable explanation regarding the increase in comparison to his or her legal

income. Illicit enrichment is, however, only criminalized when it is done at the same time as a declaration of assets and debts.

Articles 391, 392 and 393 of the Penal Code criminalize breach of trust committed by any individual but also by company directors.

Obstruction of justice (art. 25)

Articles 546 and 548 of the Penal Code criminalize any act of intimidation and the bribery of witnesses to not make a statement or to give a false statement.

Article 607 of the Penal Code and article 40 of the Law on Anti-Corruption criminalize the intimidation of public officials and obstruction of the work of the Anti-Corruption Unit.

Liability of legal persons (art. 26)

Article 42 of the Penal Code confirms the general principle of criminal responsibility of legal entities, which does not preclude the criminal responsibility of physical persons who have committed such offences.

Article 46 of the Law on Anti-Corruption and articles 283, 409, 519, 559, 625 and 644 of the Penal Code provide for criminal responsibility for various corruption acts, therefore including the offences contained in the Convention. Those provisions enforce a wide range of sanctions including pecuniary sanctions.

Participation and attempt (art. 27)

Articles 26, 28 and 29 of the Penal Code criminalize participation in the commission of a crime or an offence as accomplice, instigator or assistant. Attempt is also included in those same articles and is sanctioned in article 27 of the Penal Code. Article 44 of the Law on Anti-Corruption also criminalizes attempt. Cambodia has confirmed that the preparation of an offence is implicitly embedded in those articles.

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)

The Penal Code and the Law on Anti-Corruption establish a sentence proportionate to the seriousness of an offence, comprising a range of prison sentences and fines.

Articles 80 and 104 of the Constitution grant immunity to the members of the National Assembly and the Senate. Such immunity may only be lifted by the same bodies, as well as in the case of flagrante delicto.

The Cambodian judicial system uses the principle of opportunity. However, Cambodia has confirmed that the Code of Criminal Procedure (arts. 40 and 41) provides that a closing order must always be justified by the Prosecutor. The closing order may also be reviewed by the Chief Prosecutor attached to the Court of Appeal at the plaintiff's request. Besides, the investigating judge is not obliged to conform to the final submission of the Prosecutor.

The Criminal Procedure Code defines provisional detention as an exceptional measure and it governs the framework of provisional release for any individual who

has been charged, while taking into account the necessity to guarantee their appearance in later procedures (arts. 203, 204, 205, 216, 217 and 223 of the Code).

Cambodia has confirmed that its legislation contains provisions for conditional or early release for corruption offences, while taking into account the gravity of such offences (arts. 512-521 of the Criminal Procedure Code).

The Law on the Common Statute of Civil Servants provides for disciplinary sanctions such as the temporary suspension of duties during a judicial procedure. Other disciplinary measures encompass automatic position change and removal from post (arts. 40 and 52).

Article 53 of the Law on the Common Statute of Civil Servants provides for the removal of a civil servant in the case of a final conviction. Cambodian legislation also provides for deprivation of the right to be a public official in the case of a criminal conviction (art. 55 of the Penal Code). Such deprivation of rights may be temporary or final.

Cambodian legislation does not refer explicitly to the fact that a public official convicted of an offence contained in the Convention may be deprived of his/her right to exercise his/her public function in an enterprise owned in whole or in part by the State.

Article 35 of the Common Statute of Civil Servants provides for the application of disciplinary sanctions without prejudice to potential criminal procedures.

Chapter 7 of the Law on Prisons provides for education, correction, provisional training and rehabilitation for prisoners.

Articles 93, 94 and 95 of the Penal Code provide for provisions that grant the accused mitigating circumstances in the implementation of the sentence imposed on him/her. However, Cambodian legislation has no specific measures promoting cooperation with law enforcement services.

Protection of witnesses and reporting persons (arts. 32 and 33)

The Penal Code, Criminal Procedure Code, the Law on Anti-Corruption and sub-decree No. 5, dated 10 January 2011, on the organization and functioning of the Anti-Corruption Unit, provide general measures for ensuring the protection of witnesses, experts and victims, without making any reference to their parents or other individuals close to them, or to agreements made for the relocation of witnesses, experts and victims. Article 13 of the Law on Anti-Corruption also provides, to a certain extent, for the protection of reporting persons.

Cambodia is in the process of preparing a new draft law implementing more specifically and more fully the protection of witnesses, experts, victims and reporting persons.

Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)

Article 404 of the Penal Code gives a definition of money-laundering, whereas article 408 provides for additional penalties, such as confiscation. Article 48 of the Law on Anti-Corruption also provides for confiscation measures. Article 1 (under art. 30, new paras. 2 and 3) of the Law amending articles 3, 29 and 30 of the Law on Anti-Money-Laundering provides for the confiscation of assets, which are the

proceeds of the predicate offence, including property intermingled with or exchanged for such proceeds. They also provide for the confiscation of assets constituting the income and other benefits obtained from the proceeds of the predicate offence, the property of the perpetrator of the offence the value of which corresponds to that of the proceeds of the predicate offence and the instrumentalities and materials used in carrying out the criminal offence.

Article 1 (under art. 30, new para. 1) of the Law amending articles 3, 29 and 30 of the Law on Anti-Money-Laundering and the Law on Anti-Corruption (arts. 28, 30 and 48) provide measures for the freezing and seizure of assets which are the proceeds of the predicate offence. Article 12 of the Law on Anti-Money-Laundering provides for measures for reporting cash or suspicious transactions to the Financial Intelligence Unit.

Cambodia has pointed out that in practice, the administration of seized or confiscated property is carried out by the relevant authorities at the request of the competent court (art. 48 of the Law on Anti-Corruption and arts. 119, 120, 161 and 354 of the Criminal Procedure Code).

Article 12 of the Law on Anti-Money-Laundering provides for the obligation of reporting suspicious transactions to the Financial Intelligence Unit. Article 27 of the Law on Anti-Corruption provides for the Anti-Corruption Unit to check and order the delivery of banking, financial and commercial documents; it also confirms that banking secrecy may not be invoked in the event of a corruption offence.

Article 1 (under art. 30, new para. 4) of the Law amending articles 3, 29 and 30 of the Law on Anti-Money-Laundering provides that a person opposing a confiscation order for an asset has the onus to prove the legal origin of such asset. Article 36 of the Law on Anti-Corruption regarding illicit enrichment also provides for the same measure.

Article 1 (under art. 30, new para. 3 and new para. 4) of the Law amending articles 3, 29 and 30 of the Law on Anti-Money-Laundering also provides measures protecting the rights of third parties who are in good faith. Article 179 of the Penal Code provides that confiscation may not be ordered if it affects the rights of third parties.

Statute of limitations; criminal record (arts. 29 and 41)

Article 10 of the Criminal Procedure Code provides for a statute of limitations for bringing a criminal action of 15 years for felonies, 5 years for misdemeanour and 1 year for petty offences. Article 11 of the Criminal Procedure Code provides for the interruption of the statute of limitations if there is an act of prosecution or investigation. Cambodia has confirmed that the interruption of the period of limitation by the initiation of legal proceedings applies and that such rules do not require the presence of an alleged offender who has evaded justice or fled the country.

As for the implementation of article 41 of the Convention, Cambodia has explained that in practice, it is implemented, even though Cambodia does not have specific legislation that requires the taking into account of foreign sentences in respect of offences pursuant to the Convention. Cambodia has explained that this can be covered by articles 84 and 85 of the Penal Code.

Jurisdiction (art. 42)

Jurisdiction for offences committed on Cambodian territory, also with regard to vessels and aircraft, arises from articles 12-16 of the Penal Code. Cambodia applies both the active (art. 19 of the Code) and passive (art. 20 of the Code) personality principle. Jurisdiction to prosecute in lieu of extradition is therefore also established with regard to nationals. Cambodia has not established other optional bases for jurisdiction.

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

Article 66 of the Public Procurement Law provides for the rejection of an ongoing procurement or the termination of a contract and the adding of any entrepreneur involved in corruption acts onto a blacklist.

Article 5 of the Criminal Procedure Code enables victims of a crime to file a complaint as plaintiffs of a civil action before the investigating judge. Article 355 of the Criminal Procedure Code provides that in a criminal judgment, the court shall also decide upon civil remedies.

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

The Law on Anti-Corruption established the Anti-Corruption Institution, which is composed of the National Council against Corruption and the Anti-Corruption Unit. The Unit has a mandate for the prevention, regulation, detection, investigation and repression of corruption.

Article 29 of the Law on Anti-Corruption provides for cooperation between the Anti-Corruption Unit and public authorities. Article 26 of the Law on Anti-Money-Laundering also provides for cooperation between the Financial Intelligence Unit and governmental authorities.

Article 12 of the Law on Anti-Money-Laundering provides for the obligation of several private sector entities, such as financial institutions, to report suspicious transactions to the Financial Intelligence Unit.

The role of the Anti-Corruption Unit is to receive and examine all complaints relating to corruption (art. 13 of the law on Anti-Corruption). A hotline is also available to citizens.

2.2. Successes and good practices

Overall, the following successes and good practices in implementing chapter III of the Convention are highlighted:

- The open and inclusive manner in which the Cambodian self-assessment checklist was prepared, seeking input from all stakeholders and taking into account the opinions of all components of Cambodian society.
- The signature of a memorandum of understanding for cooperation between the Anti-Corruption Unit and private entities (art. 39, para.1, of the Convention).

2.3. Challenges in implementation

The following steps could further strengthen existing anti-corruption measures in relation to the articles of the Convention:

- Article 15

  Amend legislation to include third-party beneficiaries as possible recipients of undue advantage.

- Article 16

  (Para. 1) Amend legislation to include third-party beneficiaries as possible recipients of undue advantage.

  (Para. 2) Consider amending legislation to include third-party beneficiaries as possible recipients of undue advantage.

- Article 17

  Amend legislation to include third-party beneficiaries as possible recipients of undue advantage.

- Article 18

  Consider amending legislation to include third-party beneficiaries as possible recipients of undue advantage.

- Article 19

  Consider amending legislation to include third-party beneficiaries as possible recipients of undue advantage and to include the abstention of carrying out an act in the exercise of one's functions.

- Article 21

  Consider amending legislation in order to be fully compliant with the Convention.

- Article 31

  (Para. 3) Take additional measures to regulate the administration of frozen, seized or confiscated assets by the competent authorities.

- Article 32

  Adopt the draft law on the protection of witnesses, experts and victims.

- Article 33

  Consider adopting the draft law on the protection of reporting persons.

- Article 37

  (Para. 1) Adopt appropriate measures to encourage the cooperation of individuals who take part or have taken part in the commission of an offence.

2.4. Technical assistance needs identified to improve implementation of the Convention

- (Articles 23, 24, 31, 32, 33, 36, 37, 39 and 40) Capacity-building.
- (Article 23) Build a mechanism to share and analyse information and design a mechanism to strengthen cooperation between local and regional authorities.
- (Articles 23, 32, 37, 39, 40 and 41) Legal advice.
- (Articles 25, 26 and 27) Data-collecting system for statistical purposes.
- (Article 25) Human resources.
- (Articles 32, 33, 37, 40 and 41) Summary of good practices.
- (Articles 32, 37 and 41) Model legislation.
- (Articles 32 and 37) Model agreement.
- (Articles 39 and 40) On-site assistance by a relevant expert.

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)

Cambodia has extradition treaties with four countries (China, Lao People's Democratic Republic, Republic of Korea and Thailand). Domestically, extradition is regulated in a chapter of the Criminal Procedure Code (arts. 566-595).

In extradition matters, Cambodia generally requires dual criminality. However, in line with article 43 (2) of the Convention, the principle of dual criminality is applied flexibly, i.e. the underlying conduct is decisive for the assessment of dual criminality.

The extradition procedure is a mixed judicial-executive procedure. A decision on extradition is made by the Investigation Chamber of the Phnom Penh Court of Appeal (art. 586 of the Criminal Procedure Code). If the Investigation Chamber grants the extradition request, the Minister of Justice shall propose that the Royal Government issues a sub-decree ordering the extradition of the wanted person (art. 589 of the Criminal Procedure Code).

Cambodia does not allow "accessory" extradition, i.e. extradition for connected offences, as laid down in article 44 (3) of the Convention. Offences under the Convention are not considered political offences.

Cambodia makes extradition conditional on the existence of a treaty. However, Cambodia could in theory use the Convention as the legal basis of extradition for corruption offences. Finally, reciprocity is also observed in practice in extradition proceedings.

Articles 571-594 of the Criminal Procedure Code lay down the requirements for extradition, including a two-year minimum penalty requirement and the reasons for

refusing extradition. The fact that the offence involves fiscal matters is not a ground for refusal.

Cambodia can take a person whose extradition is sought and who is present in its territory into provisional custody or detention.

Cambodia largely complies with the principle of *aut dedere aut judicare*. While Cambodian nationals cannot be extradited (art. 33 of the Constitution), Cambodia has jurisdiction over its nationals on the basis of the active personality principle. However, since prosecution follows the principle of opportunity (art. 40 of the Criminal Procedure Code), the prosecutor enjoys a large margin of discretion. Moreover, for prosecution on the basis of article 19 of the Penal Code, a complaint by the victim or formal information from the country where the offence was committed is required (art. 21 of the Penal Code).

Cambodia cannot enforce a sentence imposed by a foreign court, as that is incompatible with the Constitution and Cambodian law.

Articles 31 and 38 of the Constitution contain guarantees that are directly applicable in all law enforcement procedures. The decision to extradite can be appealed in a court of law (art. 590 of the Criminal Procedure Code). The extradition treaties of Cambodia stipulate as mandatory grounds for refusal of extradition the institution of criminal proceedings against the person sought on account of sex, race, religion, nationality or political opinion.

While there is nothing in the legislation, the obligation to consult with the requesting State before refusing extradition is observed in practice.

Cambodia has signed three bilateral treaties on the transfer of sentenced persons. The transfer of criminal proceedings has not yet been considered.

Mutual legal assistance (art. 46)

Cambodia does not yet have a mutual legal assistance law but the Ministry of Justice is currently drafting one.

Apart from the Anti-Corruption Law, there is no domestic legislation that governs mutual legal assistance in Cambodia. The United Nations Convention against Transnational Organized Crime and the Convention against Corruption are therefore the only legal bases for mutual legal cooperation. However, Cambodia does not require a treaty to render mutual legal assistance and the principle of reciprocity is also applied. Cambodia applies the principle of dual criminality when fulfilling judicial assistance requests.

Mutual legal assistance can be afforded in relation to offences committed by legal persons. Cambodia can, in principle, afford all the forms of legal assistance listed in article 46, paragraph 3, of the Convention (art. 51 of the Law on Anti-Corruption). The Anti-Corruption Unit has access to bank records without the need for a court order.

Cambodian domestic law does not clearly provide for the transmission of information relating to criminal matters without prior request. However, the exchange of information is frequently practised in relations between the Financial Intelligence Unit and the police and their foreign counterparts.

Cambodia can provide for the confidentiality of information. The confidentiality of the information provided will not prevent Cambodia from disclosing it when such information is exculpatory for an accused person. Mutual legal assistance will not be refused solely on the grounds of bank secrecy or that the offence is also considered to involve fiscal matters. That is explicitly stipulated in the Treaty on Mutual Legal Assistance in Criminal Matters among like-minded ASEAN member countries.

In the absence of internal mutual legal assistance legislation, the transfer of a person being detained or serving a sentence for the purpose of testimony is possible on the basis of bilateral treaties and the Convention. Safe conduct is granted on the same basis. The Criminal Procedure Code does not exclude the possibility of hearings taking place by videoconference.

The Ministry of Justice has been designated as the central authority for receiving requests for mutual legal assistance. However, in practice, requests are still transmitted through diplomatic channels. Requests and related documents have to be submitted in writing in Khmer or English. For outgoing requests for mutual legal assistance, Cambodia follows the procedure specified by the receiving country. Cambodia fulfils requests in accordance with the procedure specified in the request, unless such procedure conflicts with national law. The rule of specialty is observed in practice. Requests can be treated confidentially.

In the absence of national legislation on mutual legal assistance, Cambodia would only refuse requests for mutual legal assistance on the basis of article 3 of the Treaty on Mutual Legal Assistance in Criminal Matters or article 46, paragraph 21, of the Convention. No request for mutual legal assistance has been refused so far. However, Cambodia would provide reasons for doing so, if it were ever to refuse a request and, prior to that, consultations would be held, although there is no direct legal basis for this. Assistance may be postponed by Cambodia on the grounds that it interferes with an ongoing investigation. Safe conduct can be granted on the basis of article 16 of the Treaty.

Ordinary costs related to rendering mutual legal assistance are borne by Cambodia. Documents in the public domain can be provided upon request.

Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)

Cambodia does not consider the Convention as a basis for mutual law enforcement cooperation.

Cambodia is a member of the International Criminal Police Organization (INTERPOL). It shares information via INTERPOL and uses the I-24/7 secure network. Cambodia is also a member of ASEANAPOL (the ASEAN Association of Chiefs of Police) and the South-East Asia Parties Against Corruption. However, the memorandum of understanding of the South-East Asia Parties Against Corruption is not a binding international treaty and does not provide a legal basis for operational measures.

The Financial Intelligence Unit became a member of the Asia Pacific Group of Financial Intelligence Units in 2004. In 2015 it became a full member of the Egmont Group. It has memorandums of understanding with its counterparts in a

number of countries, including Bangladesh, Japan, Indonesia, the Lao People's Democratic Republic and Thailand. The exchange of confidential information is stipulated in the various memorandums. The Financial Intelligence Unit also uses the Egmont secure web.

The memorandums of understanding signed so far do not contain any provisions on joint investigations. Neither does the Treaty on Mutual Legal Assistance in Criminal Matters.

Article 27 of the Law on Anti-Corruption allows for the use of special investigative techniques. Evidence obtained through the use of such techniques is admissible in court.

3.2. Successes and good practices

Overall, the following successes and good practices in implementing chapter IV of the Convention are highlighted:

- The flexible approach to dual criminality (underlying conduct is decisive).
- The comprehensive legal framework for extradition in the Criminal Procedure Code.
- The explicit referral to international treaties (art. 567 of the Criminal Procedure Code for extradition and art. 53 of the Law on Anti-Corruption for mutual legal assistance).

3.3. Challenges in implementation

The following steps could further strengthen existing anti-corruption measures under the articles of the Convention:

- Article 44

  (Para. 3) Consider granting extradition if the request for extradition includes several separate offences, at least one of which is extraditable under the article and some of which are not extraditable by reason of their period of imprisonment, but are related to offences established in accordance with the Convention.

  (Para. 6 (a)) Cambodia is encouraged to actually use the Convention in practice for extraditions and to notify the Secretary-General of that possibility.

  (Para. 8) Consider drafting guidelines and templates for the handling of extradition requests.

  (Para. 11) Ensure that nationals who are not extradited are actually prosecuted in Cambodia and consider adopting guidelines for the prosecution to ensure compliance with that obligation.

  (Paras. 14 and 15) Include in the Criminal Procedure Code a reference to the constitutional guarantees on due process and non-discrimination.

  (Para. 17) Include in the Criminal Procedure Code the obligation to hold consultations before refusing an extradition request.

- Article 46

  Cambodia is encouraged to continue working on the draft mutual legal assistance law, prioritize its swift adoption, ensure its full compliance with article 46 of the Convention, including for asset recovery, and in particular include the following points in the draft:

  (Para. 3) Ensure that all investigation and law enforcement measures that could be taken in a purely domestic context can also be used in fulfilling requests for mutual legal assistance.

  (Para. 3 (h)) Make provisions for facilitating the voluntary appearance of persons in the requesting State party.

  (Para. 4) Allow for the spontaneous sharing of information without prior request.

  (Paras. 5 and 20) Make provisions for guaranteeing the confidentiality of information.

  (Para. 9) Clarify that dual criminality is not required for rendering mutual legal assistance and clarify that mutual legal assistance will not be declined owing to the *de minimis* nature of the matter.

  (Para. 13) Allow and use direct communication between central authorities and use a central authority as the entry point for requests for mutual legal assistance.

  (Para. 14) Notify the Secretary-General of the central authority, acceptable languages and the use of the Convention as the legal basis for rendering mutual legal assistance, and specify that English can be used in requests for mutual legal assistance.

  (Para. 17) Clarify that requests can be executed in accordance with the procedures specified in the request, unless such procedures conflict with domestic law.

  (Para. 26) Include the obligation to hold consultations before refusing a request.

- Article 47

  Consider the possibility of transferring to another State party proceedings for the prosecution of an offence established in accordance with the Convention.

- Article 48

  The Anti-Corruption Unit is encouraged to continue its close cooperation with counterparts in the region, to conclude more memorandums of understanding with them and to provide for ways to exchange case-related information.

- Article 49

  Consider concluding agreements whereby the competent authorities concerned may establish joint investigative bodies or undertake joint investigations on a case-by-case basis.

3.4. Technical assistance needs identified to improve implementation of the Convention

- Article 44

  Cambodia has requested the secretariat to provide guidelines on the application of discretionary prosecution in the case of an extradition request which is denied (in particular with regard to Cambodian citizens who cannot be extradited).

- Article 46

  Assistance has been requested for drafting a law on mutual legal assistance.